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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,899	09/11/2003	Joel D. Daugherty	073897.0147	4188
5073	7590	01/11/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,899	DAUGHERTY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 17-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Broman et al, U.S. Patent Application Publication No. 2004/0240631 (hereinafter Broman).

Regarding claim 17, Broman discloses a method for identifying a fraudulent voice signature, comprising:

accessing a fraudulent voice signature file comprising a plurality of fraudulent voice signatures;

receiving a user voice signature;

comparing the user voice signature to at least a portion of the plurality of fraudulent voice signatures;

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determining whether the user voice signature matches a fraudulent voice signatures;

identifying the user voice signature as fraudulent if the user voice signature matches a fraudulent voice signature; and

identifying one of a plurality of accounts associated with the user voice signature identified as fraudulent (see Figures 3-5).

Regarding claim 18, see paragraph 0044.

Claim 19 is rejected for the same reasons as claim 17.

Claim 20 is rejected for the same reasons as claim 18.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-13, 15, 16, 21 and 22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yuschik et al, U.S.

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Patent Application Publication No. 2002/0152078 (hereinafter Yuschik) in view of Broman.

Regarding claim 1, Yuschik discloses a method for detecting unauthorized access, comprising:

receiving a voice input associated with a request to access an account;

generating a request voice signature corresponding to the voice input associated with the request;

retrieving an authorized voice signature corresponding to the account;

comparing the request voice signature corresponding to the voice input with the authorized voice signature corresponding to the account; and

detecting unauthorized access in response to the comparison (paragraphs 0032 and 0034).

With further respect to claim 1, Yuschik mentions storing digital copies of an unauthorized user's spoken passcode (see paragraph 0044). However Yuschik fails to teach accessing a fraudulent voice signature file and identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file. Nonetheless Broman discloses these limitations (see Figures 3-5). Therefore it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuschik with the fraudulent voice signature file of Broman. This modification would have improved the system's reliability by minimizing fraud in telephonic transactions as suggested by Broman (see paragraph 0005).

Regarding claim 2, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 3, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 4, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 5, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 8, see paragraph 0005 of Yuschik.

Claim 9 is rejected for the same reasons as claim 1.

Claim 10 is rejected for the same reasons as claim 2.

Claim 11 is rejected for the same reasons as claim 3.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected for the same reasons as claim 5.

Claim 16 is rejected for the same reasons as claim 8.

Claim 21 is rejected for the same reasons as claim 1.

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On the issue of claim 7, the combination of Yuschik and Broman discloses determining if the fraudulent voice signature file comprises the request voice signature (see Figures 3-5). The combination of Yuschik and Broman does not explicitly teach adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Yuschik and Broman with adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. This modification would have improved the system's reliability by storing unauthorized voices in the event that the authorities need it as suggested by Yuschik (paragraph 0044).

Claim 15 is rejected for the same reasons as claim 7.

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As per claim 22, Yuschik discloses a method for detecting unauthorized access, comprising:

authorizing a user for an account;

receiving an authorized voice input corresponding to the authorized user;

generating an authorized voice signature corresponding to the account according to the authorized voice input;

receiving a voice input associated with a request to access the account;

generating a request voice signature corresponding to the voice input associated with the request by:

determining a request feature vector corresponding to the voice input; and

generating the request voice signature according to the request feature vector;

retrieving the authorized voice signature corresponding to the account;

comparing the request voice signature corresponding to the voice input with the authorized voice signature corresponding to the account by:

establishing a request feature vector corresponding to the request voice signature, the request feature vector



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comprising a plurality of first values, each first value corresponding to a variable of a plurality of variables;

establishing an authorized feature vector

corresponding to the authorized voice signature, the authorized feature vector comprising a plurality of second values, each second value corresponding to a variable of the plurality of variables, each second value corresponding to a first value; and

comparing each first value with the corresponding second value to compare the request voice signature with the authorized voice signature;

detecting unauthorized access in response to the comparison; and

denying access to the account in response to detecting the unauthorized access (see paragraph 0032-0034).

With further respect to claim 22, Although Yuschik mentions storing digital copies of an unauthorized user's spoken passcode (see paragraph 0044), Yuschik fails to disclose:

accessing a fraudulent voice signature file comprising a plurality of fraudulent voice signatures;

determining if the fraudulent voice signature file comprises the request voice signature;

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identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file;

receiving a user voice signature;

comparing the user voice signature to at least a portion of the plurality of fraudulent voice signatures;

determining whether the user voice signature matches a fraudulent voice signature; and

identifying the user voice signature as fraudulent if the user voice signature matches a fraudulent voice signature.

Nonetheless Broman discloses these limitations (see Figures 3-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuschik with the fraudulent voice signature file of Broman. This modification would have improved the system's reliability by minimizing fraud in telephonic transactions as suggested by Broman (see paragraph 0005).

Lastly, as explained in the rejection of claim 7, the combination of Yuschik and Broman does not explicitly teach adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not

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comprise the request voice signature. "Official Notice" is taken that this limitation is both old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Yuschik and Broman with adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. This modification would have improved the system's reliability by storing unauthorized voices in the event that the authorities need it as suggested by Yuschik (paragraph 0044).

#### ***Response to Arguments***

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be


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reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

*O.A.*

Olisa Anwah  
Patent Examiner  
January 5, 2006

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600